

**Index of Claims**

**Application/Control No.**

10/501,883

**Applicant(s)/Patent under Reexamination**

HASHIZUME ET AL.

**Examiner**

Thomas L. Dickey

**Art Unit**

2826

/	Rejected
=	Allowed

-	(Through numeral) Cancelled
+	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim	Date	
Final	Original	
1	✓	
2	✓	
3	✓	
4	✓	
5	✓ ✓	
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Claim	Date	
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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Tatsuhiko TANIMURA

Application No.: 10/697,248

Filed: October 31, 2003

For: GAMING MACHINE

Attorney Docket No.: SHO-0050

Examiner: D. R. Collins

Art Unit: 3711

Confirmation No.: 9040

**SECOND SUBMITTAL**

**ARGUMENTS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW**

**Mail Stop AF**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

On June 1, 2006, Applicants filed, among other required documents, a Pre-Appeal Brief Request for Review, Notice of Appeal and Arguments for Pre-Appeal Brief Request for Review in response to the Examiner's issuance of an Advisory Action dated March 20, 2006, issued in response to Applicants' Response After Final Rejection filed on March 9, 2006. In brief, the Arguments for Pre-Appeal Brief Request for Review states that the Examiner's rejection of claims 1-6 under 35 U.S.C. 102(b) as anticipated by Ozaki et al. (U.S. Patent Application Publication No. 2001-0031658) is improper. By virtue of a Notice of Panel Decision from Pre-Appeal Brief Review dated June 22, 2006, the Pre-Appeal Board agreed with the Applicants by indicating a conference has been held, the rejection is withdrawn and a new Office Action will be mailed.

Applicants' representatives received the new Office Action as a "first action final" Office Action dated September 25, 2006, repeating the rejection of claims 1-6 under 35 U.S.C. 102(b) as anticipated by Ozaki et al. (U.S. Patent Application Publication No. 2001-0031658) and ignoring the Pre-Appeal Board's finding.

Applicants, who have previously paid for filing a Notice of Appeal, desires

to, once again, appeal the Examiner's rejection as being improper for her failing to establish a *prima facie* case of anticipation.

In the final Office Action dated January 13, 2006, claims 1-6 are rejected under 35 U.S.C. 102(b) as anticipated by Ozaki et al. (U.S. Patent Application Publication No. 2001-0031658). The rejection is respectfully traversed.

It is respectfully submitted that the Examiner fails to establish a *prima facie* case of anticipation. The courts have required for §102 anticipation that a single reference teach (i.e., identically describe) each and every element or step of the rejected claim or else the reference falls under §103. Atlas Powder v. E. I. du Pont, 750 F.2nd 1569, 224 USPQ 409 (Fed. Cir. 1984), Jamesbury Corp. v. Litton Industrial Products, 756 F.2nd 1556, 225 USPQ 253 (Fed. Cir. 1985). As discussed in detail below, the Examiner fails to show each and every element of the rejected claims.

Ozaki discloses a gaming machine having a main frame 14 that is divided into a top section 14a, a middle section 14b, and a bottom section 14c. The middle section 14b has a square opening 24 in which a front panel 26 is fitted. Transparent EL panels 28a, 28b, and 28c are stacked behind the back face of the front panel 26 and constitute a front panel display. An intermediate panel 27 is behind the transparent EL panels 28a, 28b, and 28c. An EL display control means 50g displays overlapping patterns and gaming information on the transparent EL panels 28a, 28b, and 28c based on display data. A light source 26 is located above a reflective plate 25, and a light source 9 is located behind the reflective plate 25. Light emitted by the light source 9 passes through the reflective plate to the EL panels, while light emitted from the light source 26 is reflected by the reflective plate 25.

Claim 1 is directed to a gaming machine that includes a liquid crystal display device having a liquid crystal panel and a light guiding plate. Claim 1 recites that the light guiding plate is disposed at a rear of the liquid crystal panel and is formed with a light deflection pattern configured to guide light emitted from illumination means for the liquid crystal panel to the liquid crystal panel. Claim 1 further recites that the light guiding plate is formed with a first light deflection

pattern on a periphery of the light transmission area and is formed with a second light deflection pattern in a portion more distant from the light transmission area than the first light deflection pattern. Additionally, claim 1 recites that the first light deflection pattern is formed with a pattern denser than a pattern of the second light deflection pattern.

It is respectfully submitted that the rejection is improper because the applied art fails to teach each element of claim 1. Specifically, it is respectfully submitted that the applied art fails to teach a light guiding plate is formed with a light deflection pattern configured to guide light emitted from illumination means. Additionally, it is respectfully submitted that the applied art fails to teach that the light guiding plate is formed with a first light deflection pattern on a periphery of the light transmission area and is formed with a second light deflection pattern in a portion more distant from the light transmission area than the first light deflection pattern with the first light deflection pattern being formed with a pattern denser than a pattern of the second light deflection pattern. As a result, it is respectfully submitted that claim 1 is allowable over the applied art.

Claim 4 is directed to a gaming machine that includes a liquid crystal display device having a liquid crystal panel and a light guiding plate. Claim 4 recites that the light guiding plate is disposed at a rear of the liquid crystal panel and is formed with a light deflection pattern configured to guide light emitted from a light source to the liquid crystal panel. Further, claim 4 recites that the light guiding plate is formed with a first light deflection pattern on a periphery of the light transmission area and is formed with a second light deflection pattern in a portion more distant from the light transmission area than the first light deflection pattern. Additionally, claim 4 recites that the first light deflection pattern is formed with a pattern denser than a pattern of the second light deflection pattern. It is respectfully submitted that the rejection is improper because the applied art fails to teach each element of claim 4. Specifically, it is respectfully submitted that the applied art fails to teach a light guiding plate formed with a light deflection pattern configured to guide light emitted from a light source to the liquid crystal panel. Furthermore, it is respectfully submitted that the applied art fails to teach the light

guiding plate is formed with a first light deflection pattern on a periphery of the light transmission area and is formed with a second light deflection pattern in a portion more distant from the light transmission area than the first light deflection pattern with the first light deflection pattern being formed with a pattern denser than a pattern of the second light deflection pattern. As a result, it is respectfully submitted that claim 4 is allowable over the applied art.

It is noted that on Page 3 in the Response to Arguments, the Examiner admits that she is "interpreting" the applied art. Thus, by her own admission, the applied fails to teach each and every element of the claimed invention.

Claims 2 and 3 depend from claim 1 and include all of the features of claim 1. Thus, it is respectfully submitted that the dependent claims are allowable at least for the reason claim 1 is allowable as well as for the features they recite.

Claims 5 and 6 depend from claim 4 and include all of the features of claim 4. Thus, it is respectfully submitted that the dependent claims are allowable at least for the reason claim 4 is allowable as well as for the features they recite.

Withdrawal of the rejection is respectfully requested.

In view of the foregoing, reconsideration of the application and allowance of the pending claims are respectfully requested. Should additional fees be necessary in connection with the filing of this paper or if a Petition for Extension

of Time is required for timely acceptance of the same, the Commissioner is hereby authorized to charge Deposit Account No. 18-0013 for any such fees and Applicant(s) hereby petition for such extension of time.

Respectfully submitted,

By:

  
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Reg. No. 29,211

Date: November 1, 2006

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Enclosure(s):      copy of previously-filed Notice of Appeal  
                            Pre-Appeal Brief Request for Review

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